A Treatise concernynge the diuision betwene the spiritualtie and temporaltie.

This lyttell booke declareth dyuers causes/ wherby diuision hathe ryſen betwene the ſpiritualtie and temporaltie: and partly ſheweth/ howe they maye be brought to a vnite. And if they that may do moſte good towarde the ſayde vnite, wyll take the articles of this tretyſe, as lyttel tytlynges to bryng ſome weightier thynges to theyr mynde concernynge the ſame; and thanne by theyr wyſedomes wyll adde them herevnto, and (as they ſhall thynke neceſſarye) to ſee them all put in due execution: I thynke veryly, that in ſhorte tyme they ſhall bryng this matter to good effecte, to the honoure of god, & to the comon welth and quietnes of all the kynges ſubiectes.

¶ Dyuers articles/ whiche haue bene a speciall cause of the diuision that is betwyxte the spiritualtie and the temporaltie in this realme. The fyrste Chapiter.

Who maye remembre the state of this realme nowe in these dayes, without great heuynes and sorow of herte? For there as in tymes paste hath reygned charite, mekenes/ concorde/ and peace/ reygneth nowe enuye/ pryde/ diuision, and stryfe: and that not onely betwene laye menne and laye menne, but also betwene religyous and relygious, and betwene preestes and relygious, and that is yet more to be lamented, also betwene preestes and preestes. Whiche diuision hathe bene so vniuersall/ that it hath bene a great vnquietnes and a great breache of charitie through all the realme: and parte of it hath ryssen by reason of a great singularite, that religious persons and priestes haue hadde to theyr state of lyuynge,

wherby many of them haue thoughte theyr state most perfite before all other. And some of them haue therby exalted them selfe in theyr owne syght so hyghe/ that they haue ryssen into suche a ghostly pryde, that they haue in maner disdayned and dispised other, that haue not lyued in suche perfection, as they thynke they doo. And of this hath folowed/ that somme of them haue hadde vnsyttynge wordes of the other, callyng them flatterers, dissimulers/ and hypocrites: And they haue called the other agayne proude persons, couetous, vayne glorious, and louers of worldely delytes, and suche other.

¶ And an other parte of this diuysion hath ryssen by dyuersities of opynyons, that haue ben vpon the auctorities, powers, and iurisdiction of spirituall men amonge them selfe. And vpon these dyuysions some laye men haue in tyme past fauored the one parte/ and some the other: wherby the people haue greatly be inquyeted. But I wote not fully by what occasion it is/ that nowe of late the great multitude of all the laye people

ple haue founde defaulte / as well at prestes as relygious / so ferfourthe that hit is nowe in maner noted through all the realme, that there is a great dyuysion bytwene the spiritualtie and the temporaltie. And verily it is great pytie, that suche a noyse shulde sprynge and go abrode. And some alledge dyuers causes why hit is so noysed. Fyrste they saye, that neyther preestes nor religious kepe the perfection of theyr ordre to the honoure of god and good example of the people / as they shulde do: but that some of them procure theyr owne honour, and call it the honour of god / and rather couet to haue rule ouer the people than to profyte the people. And that some couet their bodily ease and worldely welthe / in meate and drynke, and suche other, more than commenly any temporal man dothe. And that some serue God for a worldly laude, and to be magnified therfore / more than for the pure loue of god. And somme saye men saye farther, that though religious men haue varied with religious / and that some prestes haue varyed also with religious in some pointes

concernynge the preemynence of theyr perfection/as is sayde before: that yet in suche thynges as pertayne to the mayntenaunce of the worldly honour of the churche and of spirituall men, whiche they call the honour of god/and in suche thynges as pertayn to the encrece of the riches of spirituall men, religious or seculer, they say they agree all in one. And therfore they say/that all spirituall men/as to the multitude, be more diligent to enduce the people to suche thynges, as shall bryng riches to the churche, as to gyue money to trentals, and to founde chaunteryes and obites/and to obteyne pardons, and to go vpon pylgremages, and suche other: than they be to enduce them to the payment of theyr dettes, to make restitutions for suche wronges as they haue done, or to do the werkes of mercy to theyr neyghbours that be pore and nedy/and that sometyme be also in ryght extreme necessite.

¶ And for as moche as it is moste commenly sene, that amonge a great multitude there be many, that worke rather vppon wyll than vpon reason/And that.

though

though they haue good zele/ yet many tymes they lacke good ordre and discretion, whiche is the mother of al vertue. Therfore some persons, thynkinge that worldly honoure and ryches lettethe greatly deuocion/ so moche that as they thynke/ they can nat stande to gyther/ haue holden opinion/ that it is not laufull to the churche to haue any possessions. And some takynge a more meane waye therin, haue sayde, that (as they thynke) it is laufull and also expedient, that the churche haue possessions: but they thynke/ that the greatte haboundance/ that is in the churche/ doth great hurte, and inducethe in many of them/ a loue to worldly thynges, and lettethe and in maner strangleth the loue of god. And therfore they thynke, that it were good to take awaye that is to moche/ and to leue that is sufficient. And some also, as of a policie to pulle ryches fro the churche, haue inveyed ayenste all suche thynges as bringe ryches to the churche. And bicause great riches haue comme to the churche for prayenge for soules in purgatorie, haue by wordes

affirmed / that there is no purgatorie: And that grauntynge of pardons riseth of couetyse of the churche, and profyteth not the people / and that pylgremages be of no effecte / and that the churche may make no lawes / and suche other thynges / as foundynge of chaunteris, makinge of brotherhedes / and many mo. Wherin they shewe outwardly to ryse agaynst al the thynges before rehersed, and to dispyse them / and yet they know and beleue in theyr hartes / that all these thynges be of them selfe right good and profytable, as they be in dede: if they were ordered as they shulde be. And somme persones there be / that throughe grace fynde defaute onely at the abusion and mysse order of suche thynges / and speke nothynge ayenst the thynges selfe / neyther of purgatorie, pylgremages, settynge vppe of ymages, or suche other. For they knowe well, they be ordeyned of god, and that the mysorder rysethe onely of man for couetyse, singularite, or some other suchelyke defaulte, through perswasion and disceyte of the goostely enmemye. And thoughe some men haue

mystaken them selfe in the sayd articles / yet dyuers other haue sayd / that if they had ben well and charitably handeled / they myghte haue benne refourmed / and paraduentnre saued in bodye and in soule.

¶ And vpon all these matters there is ryssen a great opinion in the people, in maner vniuersally, that in punysshyng and correccyons all these persons before rehersed shulde haue lyke punysshement, if spirituall men myghte haue freelybertye in that behalfe. And that spirituall men wolde / if they coulde, as well put them to silence, that speake ayenst the abusion or disordre of suche thynges / as be before rehersed, as them that speke ayenste the thynge selfe. And many other murmours & grudges beside these that be before rehersed / be amonge the people / mo than I can reherse nowe: but yet aboue all other me thynketh that hit is most to be lamented and sorowed / that spiritualle men / knowynge these grudges and murmuracions amonge the people / and knowynge also that many laye men haue opinion / that a great occasion

therof ryseth by spiritual men, and that they do no more to appease them, ne to ordre them selfe in no other maner for the appeasynge of them, than they do. For al that they do therin most cõmenly is this: they take hit / that they that fynde defaute at suche abusious and disordre/loue no prestes: and therfore they esteme, that they do of malyce all that they do / to distroy the churche, and to haue theyr goodes and possessions them selfe: And therfore they thinke it a good dede to se them punysshed, so that they shall not be able to brynge theyr malyce to effect. And therfore haue they punysshed many persons, which moch people haue iuged them to do vpon wyl/and of no loue vnto the people. And though spiritual men are boũde in this case, for appesing of these opiniõs in the peple, whiche be so daũgerous as well to spirituall men, as to temporal men, that many soules stonde in great peryl therby, not onely to reforme them selfe, and to leue and auoyde all thynges, that gyue occasion to the people, so to offende/ that may by charyte be omytted and lefte, but also to

faſt, praye, weare the heare, gyue almes, and to do other good dedes for them ſelfe and for the people / cryenge contynually to our lorde / that theſe diuiſions may ceaſſe / and that peace and concorde may come agayne in to the worlde: yet it appereth not that they do ſo, but that they rather contynue ſtyll after the olde courſe, pretendynge by confederacies and worldly polycies, and ſtreyte corrections, to rule the people / and that is greatly to be lamented, and it wyll be harde for them to bringe it ſo about.

But if they wolde a lytell meken them ſelfe, and withdrawe ſuche thynges as haue brought the people into this murmoure and grudge: they ſhulde anone bringe a newe lyghte of grace into the worlde, and bringe the people to perfecte loue and obedience to theyr ſuperyours. And here me thynketh I might ſaye farther in one thynge / and that is this, that as longe as ſpirituall rulers wyll eyther pretende / that theyr auctoritie is ſo hygh, and ſo immediatly deriued of god, that the people are bounde to obeye them, and to accepte all that

they

they do and teache / without argumentes resistence or grudgynge ayenst them / or that they wyll pretende / that no defaulte is in them / but in the people / and wyll yet contynue styll in the same maner, and after the same worldly countenance / as they do nowe / and haue done late tyme paste: The lyght of grace that is spoken of before, wyll not appere / but that bothe parties shall walke in this darkenes of malyce and diuision / as they haue done in tyme paste.

¶ An other occasyon of this diuision. The seconde Chapyter.

THere haue bene made in tyme past many good lawes by the churche for the good ordre of spirituall menne / whiche were ryght necessarye to be kept to this day: whiche nowe be altered eyther by a lawe made to the contrarye / or by somme euylle custome brought vp and suffered ageynste them. And I shal brefly recite some of them / as

I haue

I haue founde them wrytten by other before this tyme.

¶ Fyrste there was a lawe made / that a man well approued in his werkes and doctrine shulde be made a byssshop / and not a chylde ne a carnall man / or that is vnlerned in spiritual thinges.

¶ Also that nothynge shulde be gyuen in any place for burialles, confession, gyuynge of ordres, ne for any of the sacramentes, nor for any promocion.

¶ Also that byssshops and prestes shulde not be atte vayne worldely syghtes or pleys, ne delyte in them.

¶ That it is not laufull for a byssshoppe or preste to be absente on the sondaye, but to be at Masses, and that fastynge.

¶ That no preest shuld eate flesshe from Quinquagesime to Ester.

¶ That prestes shuld faste aduent.

¶ That byssshoppes and preestes, and especially monkes and religyous / shall studye in heuenly scriptures, all lernynges and practises of litigious thynges lefte and sette aparte.

¶ That the byssshop shall euery yere go aboute his dioces with great diligence /

and

and effecte.

¶ That heuenly ſcriptures be redde at the byſſhoppes table.

¶ That a clerke fulle of foule wordes ſhall be putte fro his offyce.

¶ That the wages of clerkes ſhall be gyuen after theyr merites.

¶ That preeſtes ſhall eſchewe feaſtes at mariages.

¶ That clerkes ſhal com in no tauernes.

¶ That a byſſhoppe ſhall haue poore apparelle/ lodgynge, and table, and fepynge for poore men.

¶ That a byſſhoppe ſhall not lyghtely ſtryue for tranſytorie thynges.

¶ That clerkes ſhuld rather ſtudie/that theyr bretherne that vary, be brought to peace, than to iudgement.

¶ That a clerke ſhulde inſtructe euery manne with his wordes, and to the entente that poore men ſhulde not be greued, that they ſhulde gette theyr lyuinge with ſomme handye crafte, as ſaynte Paule dydde.

¶ That clerkes ſhall not take vppon them the actes or procuracyons of ſeculer menne.

That

¶ That laye men ſhall not make clerkes theyr factoures or gouuernours vnder them.

¶ That monkes after the counſaylle of Calcidonence / ſhall be holly entendynge to faſtynges and prayers in the places where they renounced the worlde, and that they forſake not theyr monaſteryes for no buſynes of the churche ne of the worlde.

¶ That clerkes that cuſtomably be players at tables or hunters, ſhalbe prohibyt of houſelynge. And ſaynt John Chriſoſtome vppon Mathewe the. xxi. chapyter ſayth, that as of the temple cometh out all goodnes / ſo of the temple all euyll procedeth. And therfore hit foloweth, that if preeſthode be hole / all the churche floriſſheth: And if it be corrupte, the fayth and vertue of the people fadeth alſo and falleth away: as if thou ſee a tree that hath wethered leues, thou knoweſt ther by that there is a defaute in the roote / ſo whan thou ſeeſt the people lyue oute of good ordre, knowe it for certayne, that theyr preeſthode is not hole ne ſounde. And therfore if it were aſked, where is

nowe

nowe the deuocion and obedience of the inferioyrs, the defence of knyghtes, the peace of Chriſten pryncis, to the ende that they beynge at a concorde, myghte reſiſte and feyght agaynſt ſiſmatikes and infydels, recouerynge ageyne regions, whiche they haue nowe taken fro chriſten men, and peruerted them: It myght be anſwered, that they be gone through brekynge of ſuche lawes.

¶ Many of theſe ſayenges and dyuers other here omytted, be the ſayenges of Johñ Gerſ chanceller of Paris, in a tretice that is called in latin Declaratio defectuum virorum eccleſiaſticorum. In whiche treatiſe he recyteth alſo dyuers abuſyons, wherof I ſhall recyte parte vnder the maner of queſtions for ſhortenes, as he doth, as wel cõcernyng other countreys as this, that they maye the rather be knowen and auoyded.

¶ Fyrſt he aſketh this queſtion. What it auayleth, or what profiteth the church the ſuperfluous pompe of prelates and cardinalles. And what meaneth it alſo, that one man hath foure, fyue, vi. or viii. benefices, wherof he is not percaſe

worthy

worthy to haue one, wherwith. viij. persons might be susteyned, that gyue themselfe to lernyng, prayer, & to the seruice of god? Here (sayth he) take hede. Whether hors, dogges, byrdes, and the superfluous company of men of the churche shulde rather eate the patrimonie of the churche, than the poore menne of Christe, or that it be expended in the seruice of god, and to the conuersion of infidels, or in suche other werkes of mercye and pietie? O howe many places (sayth he) ordeyned for the seruice of god in Rome and elles where, be nowe through the negligence of prelates desolate & distroyed? O howe is it sayth he, that the swerde of holye churche, that is the sentence of Excommunication, to her owne dispyte and reproofe, is soo lyghtly drawen out: and for so lyttell a thynge (as some tyme for dette) is soo cruelly executed vpon poore men? What is it also, that one cause vpon a smalle thynge shall contynue so many yeres? and why is not that length of tyme, whiche is the spoyler and robber of poore men, in somme conuenient maner

cutte away? why is it not rather mercifully appoynted to the Jewes conuerted/ somme reasonable lyuynge of theyr owne goodes rather than by extreme necessite to compelle them to forsake the faythe ageyne, and to reproue christen men, that they be cruelle and haue no pitie? Judge ye also (sayth he) whether so great varietie of ymages and pictures be expedient: and whether they do not peruert som simple persons to ydolatrie?

¶But here it is to be noted/ that Jhoñ Gerson syndeth not defaulte in settynge vp of ymages, for he commendeth it in many places of his werkes, but he syndeth defaute at the varietie of them in theyr peyntynge and garnysshyng with golde, syluer, precious stones/ and suche other/ with so great riches about them, that some symple persons myght lyghtly be enduced to beleue some special worlkynge to be in the ymages/ that is not in them in dede. And so he syndeth defaute at the abuse of ymages: and not at the settynge vppe of ymages. Discusse also (sayth the sayd Jhoñ Gerson) whether so large exempcions as somme haue, be

expe-

expedient? and whether it be profytable so to leade them fro theyr ordinaries? Serche also saythe he / if there be not some apocrifate wrytynges / or prayers, or hymnes by processe of tyme (somme of purpose / some by negligence) brought vp to the hurte of the faythe? but than he asketh: whether all prelates and prestes be gyltie in the articles aboue rehersed / and he saythe our lorde forbede it. For lyke as Helyas, whan he had went that all the people of Israell hadde bene fallen to ydolatrie / herde our lorde say, I haue yet reserued seuen thousand mē, that neuer bowed theyr knees before Baale: ryght so it maye be sayde / that nowe in these dayes our lorde hath reserued ryghte many good menne bothe spiritualle and temporalle / that be not gyltie in any of the sayde articles / ne yet partie in any maner to the sayd diuision / whiche throughe helpe of grace / and with the fauoure of the superiours shall be ryghte well able to bringe the other to good accorde.

¶An other occasion of this dyuysion. The thyrde Capiter.

THere be many lawes and decrees made bi the church wherin it is recited / q̄ laici sunt clericis infesti , that is to say, that lay men be cruel to clerkes, and therfore the churche hath therypon made dyuers lawes to oppresse that crueltie / as in them appereth . And therypon hath folowed, that whan prestes haue red tho lawes, they haue iuged therby, that theyr rulers, haue knowen some great crueltie in laye men agaynste clerkes. For elles they wolde not haue put tho wordes in to theyr lawes, and that hath caused many spyrytuall men to adiudge the more lyghtly / that suche thynges as laye men haue done concernynge them / hath rather ben done of malice and cruelti than otherwise / and that iudgement in processe of tyme hath caused them to confedre them selfe togyder, to resiste that malice / whiche they many tymes by occasion of the sayde wordes,

haue

haue iudged to be greatter than it was/ and haue many tymes recyted the wordes, affermynge them to be true: and therfore they haue extended all lawes, that be made agaynst laye men the more extremely ageynste them: Wherby the people in many countreyes haue bene so ofte greued and oppressed, that they haue grutched maruayllously at it. And whan laye men haue redde tho wordes/ they haue take therby, that the makers of tho lawes, whiche represente in them the estate of all spirituall men, haue iudged, that the makers therof thoughte, that laye men were cruell agaynst them: and where crueltie is iudged to be, there is no loue. For lyke as nothyng helpeth more to norisshe loue in a man, than that he may knowe/ that the other louethe hym, though he neuer receyued any profyte by hym: so nothynge nouryssheth more diuision and discorde, than that a man know that an other loueth him not, though percase he know, that he neuer dyd hym hurte, ne entendeth not to do. And therfore whan laye men haue by tho wordes taken occasyon to thynke/ that

ſpirituall men haue adiuged crueltie in them: they haue anon iuged, that ſpirituall men loue them not / and that hath in their hartes broke the charitable loue and obedience, that they ought to haue to ſpirituall rulers: and thoughe the occaſion of this artycle be not vniuerſall (for all laye men haue not ſene tho wordes) yet the reporte of tho wordes hath come to the knowlege of many lay men, as well by ſpirituall men as by temporall men / that haue redde them: which by longe continuaunce hath nouryſſhed one great branche of this diuiſion, whiche I ſuppoſe veryly wylle neuer fully be appeaſed, tylle the ſpirituall gouernours wyl be as diligēt to make lawes, that ſhall brynge in mekenes among ſpirituall men, and that may enduce them charitablye to ſuffre ſome tyme them, that offende them, as they haue ben in tyme paſt to make lawes to ſet ſpirytuall men in ſuche caſe, that they may correcte al them and kepe them vnder / that wyll any thynge reſiſte them. And lyke as many ſpirituall men haue myſordred them ſelfe agcynſte laye men / not onely

in

in ſuche thynges as be partely touched before, but alſo in wordes / affermynge ſomtyme, that laye men loue not preſtes: ſo i likewiſe ſome lay mē miſordre them ſelfe in wordes agaynſt preſtes / and wyl ſaye / that there is no good preſte / or that all preſtes be nought: and ſome, as it is ſayde, wyll call them ſomtyme horeſon preeſtes. And if all theſe wordes were prohybyte on bothe ſydes vpon greate paynes, J thynke it wold do great good in this behalfe.

¶ An other cauſe of this dyuyſion.

The fourth Capiter.

THe harde & exſtreme lawes that are made for layenge vyolent handes vpon clerkes, and ſuche other ſpyrytuall perſones / hath ben an other cauſe of this diuiſion. For they be verye parciall / as to the reders wyll appere, and they be alſo ſo generall /

that nether kynge nor lorde be not excepted in them, but that they ſhulde goo to the pope to be aſſoyled. And the ſayde lawes be. xvij. q. iij. ſi quis ſuadente diabolo et ex. de ſentenc. excōmunicac. ca. Non dubium, et ca. mulieres/et Ca. peruenit: et ca. ea noſcitur. ⁊ in many other chapiters there, et ex. de ſentenc. excommuincac. li. vi. ca. religioſo. And theſe lawes be ſuche, that if a manne in violencee lay his hande onely vpon a clerke, that he is accourſed: but thoughe a clerke bete a laye manne wrongefully, and with violence, he is not accourſed. And this parcialyte hath done greatte hurte.

¶ An other occaſion of this diuiſion. The fyfte Chapyter.

Thoughe there be dyuers good and reaſonable artycles ordeined bi the church to be redde openlye to the people at certayn dayes by the churche therto aſſygned, which commenly

menly is called the generall ſentence: yet many curates and theyr pariſſhe preſtes ſometyme rede onely parte of the artycles/and omytte parte therof, eyther for ſhortnes of tyme, or els to take ſuche artycles as ſerue mooſte to theyr purpoſe. And ſomtyme, as it is ſayd/they adde other excõmunications after their mynde, that be not putte in to the ſayde generall ſentence. And whan the artycles be ſo choſen out, they ſounde to ſo great parcialite and fauour for ſpirituall men/eyther for paymente of tythes, offerynges, mortuaries, and ſuche other duetyes to the churche, or for the mayntenaunce of that they calle the lyberties of the churche, as that no preeſte nor clerke ſhall be putte to aunſwere before laye men/ſpecyally where theyr bodyes ſhulde be arreſted/or that no impoſitions ſhulde be layde vpon the churche by temporall power, or ageynſte them that with violence lay handes vpon preeſt or clerke, or ſuche other: that the people be greatly offended therby, and thynke great parcialite in them/and iudge them rather to be made of a pryde and couetyſe of the

churche: than of any charite to the people / wherby many doo rather dispyse them than obeye them. And I suppose veryly, that this diuisyon wyll neuer be perfytely and charitably refourmed and broughte to good accorde / tyll the people come to this poynt / that they shall greatly feare and drede to ronne in to the leeste censure of the churche. And that wyll neuer be, tyll the heedes spyrytuall wyll refourme them selfe, and shewe a fatherly loue vnto the people, and not extende the sentences of the churche vppon so lyghte causes / and vppon suche parcialyte, as they haue doone in tyme paste. And if they wyll refourme these poyntes before rehersed / and somme other hereafter folowynge, I suppose veryly, the people wylle gladdely here them and folowe them. For than, as the gospelle saythe / they be theyr verye shepardes. Wherfore if it were ordeyned, as well by auctoritie of parlyamente as of conuocation, that suche artycles shulde be deuysed and putte in to the generall sentence, that shulde styre as well spyry-

tuall

tuall menne / as temporall men, to loue vertue / and flee vyces, to loue trouthe and playnneſſe, and to flee falſehoode and doublenes, And that none vppon a payne ſhulde adde or dymynyſſhe any thynge concernynge the ſayde articles: I thynke it wolde helpe moche to make a good agrement of this diuiſion / and to contynue the ſame / with loue and drede betwixte the reulers ſpirituall and the people, as there oughte to be. And if lyke articles were deuyſed to refrayne ſpirituall menne fro gyuynge hereafter any ferther occaſion to this diuiſion, or any other lyke: and they to be redde at viſitations, Seenes, and ſuche other like places, where prieſtes aſſemble by commandemente of theyr ordinaries, with certayne peynes to be appoynted by parlement and Conuocation: I thynke hit wolde bringe many thynges in to good order, and helpe moche to a good reformation of this diuiſion.

¶ An other occaſion of this diuiſion. The. vi. Chaptre.

An

ANother occasyon of this diuision hath partely rysen bi temporal men, that haue desired moche to haue the familyaritie of preestes in theyr games and disportes, and haue vsed to make moche more of them that were compenable, thanne of them that were not so, and haue called them good felowes and good companions. And many also wolde haue chapleyns, whiche they wolde not onely suffre, but also commande to go on huntynge, hauking, and suche other vayne disportes. And some wolde let them lye amonge other laye seruauntes, where they coulde neyther vse prayer nor contemplation.

¶ And some of them wolde suffre them to go in lyueries, not conuenyent in colour for a preste to weare, and wold also many tymes set them to worldely offices, as to be bayliffes, receyuours, or stewardes: and than whan they haue by suche occasion bene moche beaten, and greatly exercysed in suche worldely busynes, so that the inwarde deuocyon of the harte hath ben in them as colde and

as weke in maner, as in laye men / yet if any benefyce hath fallen voyde of theyr gyft, they wolde preferre them to it / eyther as in recompens of theyr busynes and labours, or for that they were good companions: rather than another good deuoute man / that percase is lerned, and kepeth hym selfe fro suche worldely vanyties and ydle company, or that is disposed somtyme to admonysshe charytably suche as he is in company with, of suche defautes as he seeth or hereth of them, and that fewe mē do loue to here: And therfore wyll they preferre them / that wyl let them a lone. And yet whan they haue so done / they wyl anone speke euyll of prestes / and reporte great lyghtnes in them, and lyghtly noote one preste with an other prestes defaute, and that whan they haue bene partly occasioners to theyr offences them selfe, as it is sayd before. And this demenor hath through a longe contynuaunce norysshed some parte of this dyuysion, and so wyll it do as longe as it cōtinueth. And also where by the lawe / preestes oughte to be at the churche on sondays and holy dayes / and helpe

helpe forthe the ſeruyce of god in the quere, & ought alſo whan they be there, to be ordred by the curate: yet neuer the leſſe many men, that haue chappleynes, wyll not ſuffre them to come in the paryſſhe churche, and whan they be there, they wyll nat haue them ordered by the curate but after them ſelfe: ne ſee them be in the quere, but ſendeth them many tymes on other errandes, and that in worldly matters, as cuſtomably as they doo other ſeruauntes: and many ſuche chapleynes ſhewe them ſelfe euidently by theyr diligence in that behalfe, to be better contente to do that buſynes, than to be in the quere, and that maketh the curates and the neyghbours bothe to thynke a great lyghtnes in them, and do diſcõmende them for it: and whan they here of it, they be alſo diſcontented, and theyr mayſters bothe, and ſay the pariſſhens haue nothynge to do with it, and commenly other chapleynes wylle take parte in ſuche matters: whervppon dyuers grudges and variances haue ryſen in many places, that haue done greatte hurt in this behalfe. And as it is in this

caſe

caſe of chapleyns, and ſeruynge preſtes, ſo it is alſo of chantry preſtes & brotherhoode preſtes in many places. And as it ſemeth theſe articles myghte be holpen thus/that is to ſay, that it be prohibited vpon a payne, that no prieſte ſhall hereafter cuſtomablye vſe huntynge, hawkynge/ cardes, dyce, nor ſuche other games vnſyttynge for a preeſte, though percaſe he maye as for a recreacion vſe ſome honeſte diſportes for a tyme: ne cuſtomably vſe the ale houſe or tauerne. And if any preſte vſe any ſuche vnlaufull games or other demenour/ not conuenient for a preſte, ſo moche that the people be offended by it/ and fynde defaut at it: that than if he be warned therof by an abbot and a Juſtyce of the peace of the ſhire, where he is dwellynge, and yet he do not reforme hym ſelfe: that than beſide the ſayde peyne, he be by conuocation ſuſpended fro miniſtryng the ſacramentes, and be diſabled to take any ſeruice/ tyll he be enhabled agayne by the kynge and the ordinarie. And that it be farther enacted, that no man ſhal haue a chapleyne hereafter/ but he haue a ſtondynge

dynge house, and that onely in his stondynge house/and none to haue a rydyng chapleyne vnder the degree of a barone, & that he that hath a stondynge house, and hath also a chapleyne, shall vppon a payn prouide for his chapleyn a secrete lodging with locke and key/that he may lodge fro the commen recourse of the laye seruantes, and vse hym selfe therin conueniently in redynge / prayer, or contemplation/or suche other labours and busynes as be conueny ente for a preeste to vse.

¶An other cause of the sayd dyuysion. The seuenth Chapyter.

N other occasyon of the sayd dyuysion hath benne/ by reason of dyuers sutes, that haue ben taken in the spirituall courtes of office, that is called in latyn, ex officio: so that the partyes haue not knowen who hath accused them / and therupon they haue somtyme bene caused to abiure in causes of heresies: somtyme to do penaunce, or

to

to pay great ſommes of money for redemyng therof/ which vexacion and charges the partis haue thought haue come to them by the iudges and the offycers of the ſpirituall Courte: for they haue knowen none other accuſers, and that hath cauſed moche people in diuers partyes of this realme to thynke great malyce and parcialyte in the ſpirituall iudges. And if a man be ex officio brought before the ordinarie for hereſie, if he be notably ſuſpected of hereſie: he muſte pourge him ſelfe after the wyl of the ordinari, or be accurſed, and that is by the lawe, extra de hereticis. ca. Ad abolendam. And that is thoughte by many to be a very harde lawe, for a man may be ſuſpected and not giltie, and ſo be driuen to a purgation withoute proſe or withoute offence in hym, or be accurſed: and it appereth de hereticis li. vi. in the chapiter Jn fidei fauorem, that they that be accurſed and alſo parties to the ſame offence, may be wytnes in hereſy: and in the chapter accuſatus perag. licet/ it appereth, that if a man be ſworn to ſay the trouthe concernynge hereſie, as well of

hym ſelfe as of other, and he fyrſte confeſſeth nothynge, and after contrary to his fyrſt ſayenge he appeleth bothe hym ſelfe and other: if it appere by manyfeſte tokens, that he doth it not of lightnes of mynde, ne of hatred, nor for corruption of money: that than his wytnes in fauoure of the faythe ſhal ſtonde, as well ageynſte hym ſelfe, as agaynſte other: and yet hit appereth euydently in the ſame Courte, and in the ſame matter, that he is a periured perſone.

This is a daungerous lawe, and more lyke to cauſe vntrewe and vnlawfulle men to condempne innocentes, than to condempne offenders. And it helpethe lyttell, that if there be tokens, that it is not done of hatred, nor for corruption of money: that it ſhuld be taken: for ſome time a wolfe may ſhewe hym ſelfe in the apparaile of a lambe. And if the iudge be parciall, ſuche tokens may be ſooner accepted than truly ſhewed. And in the chapiter there, that begynneth Statuta quedam, it is decreed, that if the byſſhoppe or other enquerors of hereſy, ſe that any great daunger myghte comme

to

to the accusours or wytnes of heresie by the great power of them that be accusid: that than they maye commaunde, that the names of the accusours or wytnesse shal not be shewed but to the bysshop or enquerours, or suche other lerned men as be called to them, and that shall suffyce, though they be not shewed to the partie. And for the more indempnitie of the sayde accusours and wytnesse it is there decreed, that the bysshoppe or inquerours maye enioyne suche as they haue shewed the names of suche wytnes vnto, to kepe them close vpon payne of excõmunication, for disclosynge that secrete without theyr lycens. And surely this is a sore lawe / that a man shall be condempned / and not knowe the names of them that be causers therof.

¶ And though the sayd lawe seme to be made vpon a good consideration for the indempnytie of the accusours and witnes, yet it semeth, that that consyderacyon can not suffyce to proue the lawe reasonable. For it semeth that the accusours and wytnes myght be saued fro daunger bi a nother way, and that is by

this way. If the byſſhop or inquerours drede, that the accuſours and wytnes might take hurt/as is ſayd before: than might they ſhewe it to the kynge and to his counſayle / beſechynge his grace of helpe in that behalfe / to ſaue and defend the accuſours and wytnes fro the extort power of them that be accuſed: And if they wold do ſo:it is not to ſuppoſe/but that the kynge wold ſufficiently prouide for theyr ſaue garde: But for as moche as it ſhuld ſeme / that ſpirituall menne ſomwhat pretende to punyſſhe hereſies only of theyr owne power/ without calling for any aſſiſtance of the temporal power,therfore they make ſuche lawes,as may helpe forthe theyr purpoſe/ as they thynke:but ſurely that is not the charitable way, to put the knowlege of the names of the accuſors and wytnes fro him that is accuſed, for if he knewe them/he might percaſe alledge and proue ſo great and ſo vehemente cauſe of rancour and malyce in thē that accuſe him/that their ſayenges by no lawe ought not to ſtonde agaynſte hym. And that ſpyrytuall men pretende, that they only ſhulde haue the hole

hole inquerie & punyſſhment of hereſie, it appereth extra de hereticis.li.vi.ca.vt inquiſitionis,perag.prohibemus:where all powers, and all lordes temporall and reulers be prohibite/ that they ſhall not in any maner take knowledge or Judge vppon hereſie/ ſithe it is mere ſpirituall, and he that inquereth of hereſie/ taketh knowlege of hereſie. And ſo the ſumme called ſumma roſella/ taketh it titulo excommunicac.perag. iiii. And if that be true, it ſemeth than, that all iuſtyces of peace in this realme be excõmunicate:for they by auctoryte of the kynges cõmiſſyons and alſo by ſtatute, enquere of hereſies. And J thinke it is not in the church to prohybit that: for though it were ſo, that the temporall men maye not iudge, what is hereſie and what not/ yet they may/as it ſemeth, by theyr owne auctorytie enquere of it/and enforme the ordynarie, what they haue founde. And alſo if a metropolytane with all his clergye and people of his dioces fell into heriſie: it wolde be harde to redreſſe it without temporal power. And therfore temporal men be redye and are bounde to be redy

to oppreſſe hereſies, whan they ryſe: as ſpirituall men be. And therfore ſpiritual men may not take all the thanke to them ſelfe/ whan hereſyes be punyſſhed/ as though theyr charitie and power onely dyd it, for they haue the fauour and help of temporall men to do it, or els many tymes it wolde not be brought aboute. Neuertheles myn entent is not to proue the ſaid lawes al holly to be cruel & vnreſonable/ for J know well/ that it is right expedient, that ſtrayt lawes be made for punyſſhment of hereſies, that be hereſies in dede/ more rather than any other offence, and that the diſcretion of the iudges ſpirituell maye ryghte well aſwage the rygour of the ſayde lawes, and vſe them more fauorably agaynſt them that be innocētes, than agaynſt them that be wylfull offendours/ if they wyll charitably ſerche for the truthe. But ſurely if the ſayde lawes ſhulde be putte into the handelynge of cruell iudges, it myghte happen that they ſhulde many tymes punyſhe innocentes, as wel as offendours, but J truſte in god, it is not ſo. Neuer the les whether it be ſo or not, certayn it is,

is/ that there is a great rumour amonge the people / that it is so, & that spirituall men punysshe not heresie only for zele of the faith/ and of a loue & a zele to the people, with a fatherly pitie to them that so offende as they ought to do, howe great offenders so euer they be / but that they do it rather to oppresse them that speake any thynge agaynst the worldly power or rycheesse of spyrytuall men, or agaynst the great confederacie, that (as many men saye) is in them to maynteygne it. And though many spyrytuall men may be founde, that haue rygh̄t many great vertues and great gyftes of god, as chastitye, liberalitie / pacyence, sobreneesse/ temperance, counnyng, and suche other/ yet it wyll be harde to fynde any oone spirituall man: that is not enfecte with the sayd desyre and affection to haue the worldly honour of preestes exalted and preferred/ & therfore if any lay mā report any euyll of a preest, though it be openly knowen/ that it is as he saythe/ yet they wyll be more diligente to cause the laye man to ceasse of that sayenge, than to do that in them is to refourme that is a

myſſe in the preeſte / that it is ſpoken of, takynge as hit were an occaſion to doo the leſſe in ſuche reformations / bycauſe laye men ſpeke ſo moche agaynſt them: But ſurely that wyll be none excuſe to ſpirituall rulers afore god, whā he ſhall aſke accompte of his people, that were commytted vnto theyr kepynge.

¶ And if this diuiſion be ſuffred to contynue, it is not vnlyke / but that greate bendynge ſhall folowe on both partyes / wherby great hurte and inconuenience maye growe vnto moche people. And I ſee none that may ſette a meane way betwene theſe extremities ne that mindeth any thynge to do good in it / but the kynges grace and his parlyamente. And I thynke veryly / that they are bounde in conſcience to folowe it with effecte, tylle the diuiſion be clerely ceſſed. Our lorde of his mercy ſende them grace to do it. Amen.

¶ An other occaſion of this dyuyſion.

The eyght Chapyter.

It

T is a commen opinyon amonge doctours / that none is an heretike for that onely that he erreth / but for that he defendeth opynatyfelye his errour. And therfore he that erreth of symplicite may in no wyse be sayd an heretyke. And summa rosella, in the tytle hereticus in principio, sayth / that a man may erre, and meryte therby: and he putteth this example. If a symple vnlerned man here the preachynge of his byshop, that preacheth happly agaynst the faith/and he beleueth it with a redy mynde to obey: this man meriteth, and yet he erreth: but that is to be vnderstonde where ignorance excuseth. Than it semeth / that it is not ynough to proue that a mā is an heretike, for that he hath holden opinions ayenste that the church teacheth, ne that he oughte not to make any purgatyon nor abiuration for it: for that that he helde in suche case was not his fayth, but the fayth of the churche was his fayth, though happly he were not than fully auysed of it. And therfore saint Aidan, whan he helde the wronge

parte of kepynge of Easter, was no heretyke, and some say that saynt Chadde was of the same opinyon as saynct Aidan was, whiche in lykewyse was no heretike, for theyr desyre was to knowe the truthe: and therfore it is not redde that they made eyther pourgacyon / or abiuration / ne yet the abbotte Joachim / whiche neuer the lesse erred, for he was redy to submytte hym to the determination of the churche / and therfore he was neyther holden as an heretyke, ne compelled to abiure. Than if this be sothe / hit were great pitie, if it shulde be true as is reported, that there shulde be so great a desyre in some spirituall men to haue men abiured, or haue the extreme punysshement for heresye, as it is sayde there is. For as some haue reported, if any woll wytnes / that a man hath spoken any thynge / that is heresie, thoughe he speke it onely of an ignorauunce / or of a passyon / or if he canne by interrogatoryes and questions be dryuen to confesse any thynge / that is prohibyted by the churche: anon they wyll dryue hym to abiure / or holde hym atteynted without

oute

oute examynynge the intente or cause of his sayenge, or whether he hadde a mynde to be refourmed or not: and that is a verye sooze waye / oure lozde be moze mercyfulle to oure soules, than so greuously to punysshe vs for euerye lyght defaute.

And here some say / that bycause there is so greatte a desyze in spiritual men, to haue men abiure, and to be nooted with heresie / and that some, as it were of a polycye do noyse it, that the royalme is full of heretyckes / moze than it is in dede: that hit is verye peryllous / that spiritualle men shulde haue auctoritie to arrest a man for euery lyght suspection, or complaynte of heresie / tylle that desyze of punysshement in spirituall men be ceassed and goone: but that they shulde make proceesse agaynst them to bryngе them in vppon payne of cursynge: and thanne, if they tary fourty dayes / the kynges lawes to bryng them in by a wrytte De excommunicato capiendo, and so to be broughte fourthe out of the kynges Gaole to answere. But surely, as it is somewhat touched

before

before in the. vii. chap. it ſemeth that the church in time paſt hath done what they coulde to bryng about, that they might punyſſhe hereſie of them ſelfe / without callynge for any helpe therin of the ſeculer power.

¶ And therfore they haue made lawes that heretykes myghte be arreſted and put in pryſon, and ſtokkes yf nede were / as appereth Clementinis de hereticis. La. multorum querela. And after at the ſpeciall callynge on of the ſpiritualtie / it was enacted by parlyament / that ordinaries myght areſte men for hereſie: for ſomme men thynke, that the ſayde Clementyne was not of effecte in the kynges lawe to areſte any man for hereſie: But if a man were openly and notably ſuſpected of hereſie, and that there were ſufficient recorde and wytnes ayenſte hym / & there were alſo a doubt that he wolde flee and not appere / wherby he myghte enfecte other: it ſemeth conuenient that he be areſted by the body: but not vpon euery lyght complaynt, that full lyghtly maye be vntrewe. And it wyll be right expedient that the kynges hyghnes and

his

his counſaylle loke ſpecially vppon this matter / and not to ceaſſe / tylle hit be brought to more quietnes than it is yet, and to ſee with greatte dylygence, that pride, couetyſe / nor worldely loue be no iudges, nor innocentes be punyſſhed, ne yet that wylfull offenders go not without dewe correccyon.

¶ An other cauſe of this dyuyſion.

The nynthe Chapyter.

N other occaſyon of this dyuyſion hath riſen by the extremities / that haue ben ſhewed in ſutes taken in the ſpirituall courtes / by ſpirituall menne, for there hath therby riſen an opinio among moche people, that a man were as good or better to let a ſpyrytual man haue at the begynnyng al that he demaundeth as to ſtryue with hym in the ſpirituall lawe for it. In ſo moche / that as hit is ſayde / ſuche extremyties haue bene vſed in the

ſpiri

ſpirituall lawe for tythes, that no preſcription/cuſtome/compoſition, nor other plee ſhall be admytted in the ſpirituall lawe ageynſte them. And ſurely if that be trewe, it is a great parcialyte / and a great denyenge of Juſtyce. And therfore it wolde be refourmed. And as for mortuaries they be adnulled all redy by ſtatute / but yet begynnethe to ryſe oone thynge to maynteyne the fyrſte diuiſion concernynge ſuche mortuaries / if hit be ſuffered to contynue, and that is / that many curates / not regardynge the kynges ſtatute in that behalfe / perſwade theyr paryſſhens / whan they be ſycke, to beleue that they can not be ſaued, but they reſtore them as moche as the olde Mortuarye wolde haue amounted to. And ſurelye the curates, that by that meanes gette any recompence / by gyfte/ or by queſte, are bounde in conſcience to reſtitution. For he is deceyuedde in his gyfte or bequeſte. For it procedeth not of a free libertie / but vpon that vntrue infourmacion. And lyke as a contracte / wherby a man is deceiued in that thinge that is ſolde / holdeth not in conſcienee,

as

as if a manne ſelle copper for golde, or wyne myxte with water for pure wine: and ſo it is whan a man maketh a gyfte or a bequeſte vppon an vntrue ſurmyſe. And that no man is bounden in conſcience to reſtore for his Mortuary nowe, ſythe the ſtatute of Mortuaryes was made, it maye appere thus. It is holden by them that be lerned in the lawe of this royalme, that the parlyamente hath an abſolute power, as to the poſſeſſion of all temporall thynges within this realme, in whoſe handes ſo euer they be, ſpyrytualle or temporalle, to take them fro oone manne, and gyue theym to an nother, withoute anye cauſe or conſideration. For if they doo it, it byndeth in the lawe. And if there be a conſideration, than it byndethe in lawe and conſcience. And certayne it is, that all ſuche Mortuaryes were temporalle goodes, though they were claymed by ſpyrytualle menne: And the cauſe why they were taken awaye was, for as moche as there were fewe thynges within this realme, that cauſed more varyance amonge the people, than

than they dyd, whan they were ſuffred/ for they were taken ſo farre ageynſt the order of the kynges lawes/and ageynſte Juſtice and ryght/ as ſhall hereafter appere. Fyrſte they were taken not onely after the deth of the huſbonde, but alſo after the deth of the wyfe/ whiche after the lawes of the realme/had no goodes, but that it was taken of the huſbondes goodes, and they were taken alſo of ſeruantes and chyldren as well infantes as other. And if a man died by the way, and had an houſholde in an other place, he ſhulde paye mortuaries in bothe places. And ſometyme whan the parſone/ and vicar of a churche appropried, varied for the mortuaries, the people/ as it hath ben reported, haue ben enforced/er they coulde ſytte in reſte, to pay in ſome places mortuaries to them bothe. And ſometyme the curates wolde prohibite poore men to ſell theyr goodes in time of theyr ſickneſs/if they were ſuche goodes as were lyke to be theyr mortuaries: for they wolde ſay it was done in defraude of the church. And if the quicke goodes were better than the deed goodes, they wold

wolde in ſomme places take the quycke: And if the deade goodes were better than the quycke, they wolde take the deed. And the Mortuaries muſt be delyuered forthe with / or elles the bodye ſhulde not be buryed. And they preſcribed to haue ryght to mortuaries onely by the preſcription of the ſpiritual lawe. And vnder that maner mortuaries encreaſſed dayly in many places / where they hadde not bene vſed before / and of lykelyhode wolde haue gone farther, if they had not bene ſtopped in tyme. And they were in many places taken in ſuche maner that it made the people to thinke, that the curates loued theyr mortuaries better than theyr lyues. And thervpon roſe in many places great diuiſion and grudge betwyxte them / whiche broke the pece / loue / and charite that ſhulde be betwene the curate and his paryſſhens / to the great vnquietnes of many of the kynges ſubiectes / as well ſpirituall as temporall, and to the great daunger and perylle of theyr ſoules. For theſe cauſes the ſayd mortuaries be adnulled by parlyament, as well in conſcience as in the

lawe: And yet it is sayde, that some curates vse great extremyties concernyng the sayde mortuaries, an other waye: and that is this. If the executours at the firste request pay not the money, that is appoynted by the statute, they wil anon haue a citation ayenste hym, And there he shalbe so handled, that as it is sayd, hit hadde bene mooste commenly moche better to hym, to haue payde his olde mortuarie, than the costes and expenses that he shall pay there. And if it be so, it wold be reformed. And surely this matter wold be groūdly loked vpon: for som men say, that the sute in that case ought to be taken in the kynges court, and not in the spirituall courte.

Other occasions of this dyuysion. The. x. Chapyter.

THe extreme and couetous demeanoure of some curates with theyr parishēs, wherof mencion is partely made herafter, hath ben an other cause

cause of this diuision: And though many spirituall men be not felowes with them in the extremities: yet none of them that haue ben beste and most indifferent/ haue not done any thynge to refourme them, that vse suche extremytees/ ne to make them thynke, that any defaut is in them in that doynge, but rather, as hit were with a deffe eare/ haue dyssimuled it, and suffered it passe ouer, and haue endeuored them selfe more to oppresse all the lay people, that wolde speke against it/ than to refourme them that do it.
And some of the sayde extremityes be those. Some say, that in takynge of tythes curates in some places wylle haue the.x. parte of euery thynge within the paryshe/ that is tythable, though their predecessours withoute tyme of mynde haue bene contented withoute hit: and thoughe there be sufficient besyde for the curat to lyue on, or though he hath not knowen, but that percase somme other thynge in olde tyme hath bene assigned in recompence for it. And in som place is asked, as it is sayd, tythe bothe of chekyns and egges/ and in somme place of

mylke and cheſe, and in ſome place the x. parte of the grounde, and alſo of that that falleth on the groũde. And in ſome places is claymed tithe of ſeruantes wages without deduction: And it is but in fewe places / that any ſeruannte ſhall go quyte without ſom tyth paying / though he haue ſpent al in ſyckenes / or vpon his father and mother / or ſuche other neceſſarye expenſes.

And in ſom places if a paryſhen haue not ten calues that yere, the curate wyll put the tythynge of tyll an other yere / and than to take a tythe calfe, accomptynge bothe the yeres to gither / rather than he wolde the firſt yere take the money, that is in that caſe aſſygned by the lawe. And they do lyke wyſe of lambes / pygges, and ſuche other thynges. Alſo in many places the curates take more at maryages buryals, and obytes than they were wonte to do, and wyll not bury a ſtranger / that dyeth within the paryſſhe, but he haue ſome what for it. Alſo ſome curates / whan there is any varyance betwene hym and any of his paryſhens / or that any of his pariſhens be in his dette /

hath

hath prohibyte them from houſelle tylle he be payde. And it hath ben ſometyme ſene, that whan a poore man hath bene ſette to be howſeled/the curate hath before al the paryſhe/vpon ſome ſuche diſpleaſure cauſed hym to ryſe and goo awaye, without houſelle, to his rebuke. And though theſe abuſions be not vſed vnyuerſallye (god forbede they ſhulde) for there be many good curates and other ſpirituall men, that wolde not vſe them for the wynnynge or leſynge of no erthly thynges: yet whan people of dyuers coũtreys mete to gether, and one of them telleth an other of ſome ſuche extremities in ſome curates in his countreye/ and the other lyke wyſe to hym: anone they eſteme ſuche couetyſe and extreme delynge to be in all curates. And though they do not well in that doinge, for the offence of one prieſte is no offence to an other/if they ſo wyll take it: yet ſpirituall men do no thynge therin to bryngе the people oute of that iudgement/but ſuffre ſuche abuſions to be vſed by ſome of them continually without correction, and (as I haue ſayd before) wyl rather

labour to stoppe the mouthes of them / that wyll fynde defaulte at suche demeanoure/than to helpe to reformme them / that do it. And surely as longe as they do so / it wyll be verye harde to haue a good vnitie and peace in this behalfe.

¶ Other causes of the sayde diuysion. The.xi. Chapyter.

N nother thynge / that hath caused the people to grudge agaynste the pope and other spyrytuall reulers hath bene the graun-tynge of pardons for money. For whan hit hath benne noysed, that the money shulde be bestowed to somme charitable vse / as vppon the buyldynge of saynte Peters churche in Rome, or to suche o-ther charitable vse: it hath appered af-terwarde euidently, that it hath not ben disposed to that vse. And that hath caused many to thynke/that the sayde par-dons were graunted rather of couetice, than of charite, or for the helthe of the soules

ſoules of the people. And therupon ſome haue fallen in maner in to diſpiſynge of pardons, as though pardous graunted vppon ſuche couetiſe ſhulde nat auayle. And becauſe the people be greatly deceyued in that iudgement, for as to the taker the pardon is good, thoughe the grantor offende in his grantynge of the pardon. Therfore it is ryght neceſſarye, that the rulers take hede, that pardons be hereafter granted in ſuche charitable maner, that the people ſhall haue no occaſion ne colour to thynke / that they be granted of couetice: And than the graũtours ſhall profytte them ſelfe in theyr graunte / and the people alſo in theyr takynge, and elles it maye lyghtly hurte them bothe. And veryly it were greatte pitie, that any myslykynge of pardons ſhulde growe in the hertes of the people for any myſdemenour in the grauntours or other wyſe / for they be ryght neceſſarie. And I ſuppoſe / that if certain pdons were granted frely without money / for ſayeng of certein prayers therin to be appoynted / that all mislykyng of pardons wolde ſhortly ceſſe and vanyſſhe away.

¶ An other cause of this diuision.
The.xij. Chapyter.

NOther cause of this diuision hath ben by reason of dyuers lawes and constitutions/which haue ben made by the church/some tyme by the Pope/sometyme by legates/or by Metropolitanes in theyr prouince: wherin they haue many tymes exceded theyr auctoritie, and attempted in many thynges agaynste the lawe of the realme. And yet neuer the lesse many pristes haue gyuen full credence to them, for they haue thought that the makers ther of, whiche were the heedes of the churche, wolde not make any lawe, but by good and sufficient auctoritie. And therupon it hath folowed/that whan any doubte or questiõ hath rysen vpon the sayde lawes: all spirituall men in maner wolde sticke faste to the lawes, and many temporall men by reason of a comen vse and custome, that they haue sene to the contrarie, haue resisted them: wher-

vpon

vpon haue ryſen in many places greatte ſtryſe/variaunces, and great expences in the ſpirituall lawe. Wherby many temporall men haue thought, that ſpirytual courtes be rather vſed for maintenaunce of couetiſe, thā for miniſtration of iuſtice. And thoughe, with the mercy of oure lorde, the trouthe is not ſo vniuerſally: yet ſome diligence wolde be taken to remoue that iudgement fro the people.

¶ And of theſe lawes is the conſtitution of Boniface, the archebyſſhoppe of Canterbury / wherby it is decreed/ that he that letteth a woman couert to make her wyll/or that letteth it to be proued/ is accurſed: and the lawe of the realme is, that a woman couerte hath no goodes, that ſhe may make any wylle of/excepte it be of a thynge in action, or that ſhe were executrix before. And if ſhe were ſo, than with lycence of her huſbonde ſhe may make an executour/ to the intent he may leuye the dette, or fulfyl the firſte wyl. An other lyke lawe is of the decree of the ryghte reuerende father in god Robert Wynchelſye/late archbyſſhoppe of Canturbury, made agaynſt the comen

cuſtome of the realme for tithe of wood: aboue.xx. yere not to be payde / whiche cuſtome was confermed by the ſtatute made in the.xlv.yere of kynge. E. the.iij. that is commenly called the ſtatute of Silua cedua: By reaſon of whiche decree great ſutes, variances, and expenſes haue enſued and wyll enſue, if it be ſuffered. Wherfore the ſayde eſtatute wolde be throughly ſene: And if it be good, than not to ſuffre any decree to ſtonde ageynſt it, and elles clerely to breake it. Other lyke lawes be the lawes that be made by the churche / that executours ſhall not, vppon payne of curſynge / adminyſtre / tyll they haue proued the teſtament: where the lawe of the realme is that they may: & ſo reaſon wold that they ſhulde be: for els the goodes of the teſtatour might be embeſelled & loſte for euer. And that lay mē may not put clerkes to anſwer before thē, ſpecially in criminal cauſes. And for the ſtrēgth of tho lawes many ſpirituall mē haue reported opēly / & that ſomtime in open ſermons / that ſuch putting to anſwer of priſtes before lay men is prohibited by the law of

god,

god, wherypon me thynketh are greatly to be noted theſe poyntes, that is to ſay, that if it be as they ſay, that it is ayenſt the lawe of god, that than great defaute is in them, that they haue done no more to refourme it than they haue done / for cleryng the conſciẽce of ſo many people, as than daily offend therby. And if it be not as they ſay / than they maynteyne an vntruth, which is a great offence in men of ſuch grauite & pfectiõ, as they be. And they alſo be therby boũden to reſtitution to the temporall princis, which ought to haue theyr fynes & amerciamentes vpon ſuch ſutes, as ſhulde be taken ageinſt priſtes in theyr courtes: wherof they be many tymes excluded by reſon of the ſayde pretenſed priuilege. And if it coulde be ſufficiently proued, that it is ayenſte the lawe of god / to put priſtes to anſwer before lay men: than degradynge of them coulde not helpe: For not withſtanding the diſgradyng, the caracter abydeth / & ſo he is a prieſt ſtyll, as he was before. And J ſuppoſe veryly / that if it coulde haue ben ſufficiẽtly proued, to be ageynſt the lawe of god, the kynges progenitors wolde

wolde in tyme paste haue assented to it. And that the kynges grace and all his realme, wolde with good wyll also conforme them self to it, but that was neuer sufficiently proued / as farre as I haue harde. And to that that some spirituall men saye, that it is an auncient custome / and a custome approued / that prieſtes in felonies, murthers, and treſons shuld not be putte to answere before laye men, and that by reason of that olde custome / they oughte to be priuileged in that behalfe, though it can not be pued directly by the lawe of god: to that it may be answered, that there was neuer yet suche custome in this realme aproued. For prestes haue ben arayned alway for treson and felony before the kynges Justyces. And for treson it hath ben sene, that they haue ben put in execution, as it appereth by a compleynt made by the clergye in the parly ament holden in the .xv. yere of kynge Edwarde the thyrde pro Clero, where the clergie complayned, that prieſtes, monkes / & religious were contrary to the liberties of the churche (as they sayd) put to dethe: and vppon that

that complaynt it was enacted, that all maner clerkes/as well ſecular as religyous, that ſhulde fro thens forthe be conuicte before any Juſtice ſecular, for any maner of treſon or feloni/touching other perſons than the kynge or his royal maieſtie/ ſhulde haue fro thens forthe freely the priuilege of holye churche, and be without lette or delaye delyuered to the ordinarie/ them demaũdynge. And it ſemeth that by that terme, Clerke, in that ſtatute pro Clero, is vnderſtonde as wel clerkes that be within orders, as clerkes that can rede as clerkes / and yet be not within orders / for they ſhall haue theyr clergie in petite treaſon/ whiche be commenly taken to be ſuche treaſons / as be recited in the later ende of the declaracio of treaſon / made in the ſayde. xxv. yere of Ed. the. iii. wherof the eſchete belongeth to the lordes of the fee. But in the other treaſons, that be recited in the ſaid Declaration, wherof the forfayture is onely to the kynge: none ſhall haue his clergy by the common lawe/clerke with in orders nor lay man, that can rede, ne there is not any remedy prouided for no maner

maner of clerkes in tho treſons. For they touch the kynge and his royall maieſtie. And therfore they be excepted in the ſaid ſtatute ꝑ Clero / as before appereth / and be cõenly called high treſons: and of that nature of treaſon is nowe waſhing, clippinge / & filinge of money: for the ſtatute made ãno. ij. H. v. is that it ſhalbe treſon to the kynge & to the realme. And therfore no clerke can there haue his clergy. ¶ And here I wolde moue a lytell farther / that if a clerke within ordres bren a houſe bycauſe he hadde not certayne money layde in a ſecrete place, as he appoynted by a byll: whether he ſhal haue his pryuylege: for the ſtatute made in that caſe, is that ſuche brennynge ſhall be hyghe treaſon. And yet the forfeiture is gyuen to the lordes of the fee. &c. And the ſayd ſtatute is anno. viii. H. vi. ca. vi. And ſithe it is haute treaſon / many men ſuppoſe, that he ſhall not haue his clergy: but I commytte that to other / that lyſte to treate farther of that matter: But for counterfaytynge and forgynge the coyne of an other realme / I ſuppoſe a clerke ſhulde not be put in execution, if

he

he wyll aſke his priuilege. For the ſtatute is no more, but that it ſhall be treaſon / and ſayeth not that it ſhall be treaſon to the kynge and to the realme / as the other ſtatute dothe. And therfore I ſuppoſe / that by the ſayd ſtatute pro clero he ſhal haue his clergy. yet neuer the leſſe that ſtatute pro clero in one poynte declareth the commen lawe to be more ſtrayter agaynſte the priuilege of clergy / than many men take it to be: and that is in this poynt. If a clerke ſtele any of the kynges goodes, that he ſhall not haue the priuilege of his clergie. For the ſayd ſtatute is / that he ſhall haue his clergye in treaſon or felony concernynge other perſons than the kynge or his royall maieſtie. And therfore for felony concerning the kynge ſelfe, it ſemeth that a clerke at the comen lawe ſhulde not haue had the puilege of his clergie: but that I remyt to other / that be lerned in the lawes of the realme. And I haue ſpoke the ferther of theſe matters / becauſe as me ſemeth / it were ryght expedient / that ſpirituall men ſhuld knowe them, & ſuch other as moſt ſpecially pteine vnto them,

more

more perfytely than they haue done in tyme paſt: and more rather to coueyte to haue the trus vnderſtonding of them, than to report/ that the makers of them offended in the makinge, ſpecially ſeinge that they were made by the kyng/ with the aſſent of all the lordes ſpirituall and temporall/ & of the commens, and ſome of them at the ſpecial requeſt and petició of the ſpiritualtie.

¶ And here me thynketh J myght ſaye a lyttell farther in this matter, and that (as it is lyke) the trouth wyl proue, that is to ſay: that as longe as the iuryſdyctions ſpirituall and temporall be ſuffred to ſtande in ſuche caſe as they do nowe, that temporall men ſhall ſay/ that ſpirituall men make lawes, that they haue none auctorite to make, and that ſpirituall men ſhall ſaye, that temporall men make lawes/ that be agaynſt the libertie of the churche/ wherfore they be accurſed, and no other order taken to haue it knowen/ what is the libertie of the churche/ and what not/ than is yet taken: Jt wyll be longe er this diuiſion wyll be fully appeaſed. Than to retourne to

the

the priuileges of clerkes. The trouthe is / that yet clerkes within ordres be more fauoured than clerkes that be not within ordres. For if a prieste be arrayned of felōny, and confesseth the felony, or is founde gyltie, and than he prayeth the benefyte of his priuilege, and sheweth the letters of his ordres: in that cas the iudges wyll nat compell hym to rede. For sithe the churche hath admitted hym to orders, the lawe presumeth that he can rede as many men saye. And ouer that if a preest wolde wylfully forsake his priuilege/and confesse the felony and becomme a prouour: yet if the ordinarie wyll aske hym as a membre of the churche, and shewe the letters of his orders, he shall haue hym / and that is by the statute called articuli cleri. For before that statute he shulde haue bene compelled to haue done battayle / if the appreuee wolde haue waged hit. And also if a preeste/after that he hath confessed the felony, or after that he is founde gyltie, wyll pray his clergie,and after of wilfulnes he wyll renoūce his priuilege: yet if the ordinarie wyll aske hym, he

ſhall haue hym: and that is by the commen lawe. But in this matter hit is a doubte, to many men, whether it ſuffyſeth to the ordinary only to affirme, that he is a prieſt/ & ſo to aſke hym: or that he muſt ſhew the letters of his orders. And J ſuppoſe, that it is ſufficient, if he affirme, that he is within orders/ though he ſhewe not the letters of his orders/ nor yet the regeſtryng of them. And that ſemeth by the ſtatute of an. iiij. H. vii. ca. xiij. where it appereth, that the Certificat of the ordinarie/ that he is within orders/ ſhulde ſuffyce. And if his certificat ſhulde ſuffice, than it ſemeth that his ſayeng in his owne perſone, that the other is a clerke, ſhulde ſuffice.

¶ And in the ſtatute made anno. xiij. Henrici octaui. ca. i. hit appereth/ that clerkes within holy orders, haue greater priuilege, concernynge theyr clergie/ than clerkes, that be not within ordres. But neuer the leſſe J leue that matter to the determination of other.

¶ But admitte/ that there had ben ſuch a cuſtome receyued and admitted in the realme, that preeſtes ſhuld not be put to

anſwere before laye men/ and that than this queſtion were aſked, whether the parliament myght breake that cuſtome? To that queſtyon (as it ſemeth) it maye be aunſwered thus: That if that cuſtome turne into an occaſyon and boldenes of theſte and murder/and other lyke thynges agaynſt the kynges peace, and that as well in many ſpiritual men as in temporal men by exãple of ſpiritual mẽ, which by reaſon of that priuilege take a boldnes to offend: It were not only a lau ful dede to breke that cuſtom, but a right good & meritorious dede to do it/ and a dede that the kynge is bounde to at his coronacion. For he is ſworne to mayn-teyne the good cuſtomes of his realme/ and to breake the euyll. And ſure hit is/ that all cuſtomes, that be agaynſte his peace/ be euyll, as this ſhuld be/ if that effecte ſhulde folowe of it, as before ap-pereth. And that the kynge is ſpecially bounde by his lawes to aduoyde all thynges/ that may be a let to his peace/ it appereth by the ſtatute that is called ſtatutũ de defentione armorũ: where it is ſayd amõge other thinges thus. To the

kyng it appertayneth by his royall seig-
nory to defende strongly all armes, and
all other force agaynst his peace as ofte
as shall please hym. And that he maye
punysshe them that do agaynst his peace
after the lawes and customes of his re-
alme. And that all his lordes spyrytuall
and temporall are bounde to ayde hym
therin as theyr soucrayne lorde. And
syth murders and felonyes are specially
agaynst the kynges peace: therfore the
sayd custome shulde be agaynst his pece,
if suche effecte shulde folowe of it, as be-
fore appereth. Wherfore it semeth, that
he shuld than haue auctoritie in his par-
lyamente to breake that custome, as a
thynge agaynst the peace and quyetenes
of his people. And he that hath aucto-
ritie to aduoyde suche thynges as breke
his peace, hath also auctoritie to preuent
and deuoyde suche thynges, as maye
gyue occasion to the breking of his pece/
as that custome shulde do/ if the sayde
effecte shulde folowe of it. And certayn
hit is, that it hurteth no more a good
prieste/ that an cuyll preest is punysshed,
than it hurteth a lay man/ that he is pu-
nysshed:

nysshed: ne no more than it hurtethe a good laye man or woman, that an other is euyll and is punysshed for it. And I suppose verily/that this diuision wyl neuer be perfytely appeased, tylle preestes and religious wyll be as lothe to here of any defaute in a lay man or lay woman, as in a preste or in a religious persone. And that wyll neuer be as longe as the great confederacies and singularite continueth amonge preestes and amonge religious persons, as it dothe nowe. The good lay men and women must paciently beare the euyll reporte of other laye men and women, that be of the same condicion as they be/and so they shalbe taught bi spiritual men/that they ought to do: but they wyl not do so them selfe. In so moche that I suppose verily, that many a preeste & religious, wold grudge more ayenst an euyll reporte made of a preest or religious, that in dede were gyltie/in pryde/couetise/angre/malice, glotony/lechery, or suche other: than they wolde be ayenst a lyke euyl report made of a laye manne or a laye woman/that were not gyltie.

¶ Dyuers other lawes there be, that be made by the churche, that many menne thynke the churche hadde no power to make: As it is, that no benefice shalbe let to a lay man, but a spiritual man be ioyned with hym: Or that it shall not be let aboue. iij. yeres. And also the constitution of a dimission noble, and suche other, that were to longe to reherse nowe. For these suffise to shew, that by such lawes made by the churche, that they had no power to make any lawe of, hath rysen one speciall cause of this diuision.

¶ An other occasion of this dyuysion. The. xiij. Chapyter.

ANother occasion of this diuision hath risen by reason of feyned visitations, vsed in tymes paste by ordinaryes and other, that haue hadde power to visyte houses of relygion and churches in the contrey: For there is a commen opinion in maner vniuersally rysen amonge the people, that suche

ſuch viſitations / after the maner as they be vſed, do litel good/and rather encrece vice than vertue. And veryly the more pitie is, it ſemeth to be true as they ſay. For it is vſed, that at ſuche viſitations / viſitours take of the houſes of religion that they viſyte, ſome certayne pencyon: And for viſitation of churches they haue of ſome certayne church/ mete and drynke, where they viſyte, and than they gather ſome certayne duetie of all the churches within certayn circute in that contrey. And neuer the les/as the comen opinion gothe, comenly they reformme nothynge, but as they fynde it / ſo they leue it, and neyther comfort they vertue ne punyſſhe vice / but many tymes the contrarie, by ſome worldly demeanour or euylle example, that the people ſee in them. And thus whan the people haue ſene, that offenders/as well ſpiritual as temporall / contynue after the viſitation, as they dydde before: they haue coniectured / that the ordinaries and viſitors do viſite more rather for theyr pencions, than for any good order or reformation. And this, through a longe continaunce /

hath brought the people to iudge great couetice in ſuche viſitours/ whiche commenly be of the greatteſt rulers of the ſpiritualtie: wherby the people by lyttell and lyttell haue fallen into a diſpraysinge of ſuch viſitations, and into a myslykynge of theyr rulers ſpirituall, and of ſuche pompe and worldly behauour, as is ſhewed by them at ſuche viſitations. And than whan ſuche viſitours and ſpirituall rulers haue perceyued/ that the people haue misliked their viſitations/ they haue diſdayned it, and haue continued ſtyll as they dyd before: & ſo hath the grudge betwene them contynued ſecretely of longe tyme. And ſurely it is to be moche meruayled, that viſitours wyl attempte to take at theyr viſitations any pencion or impoſition of them that they viſite, contrary to the good lawes that be made in the. vi. boke/ ti. de ſenſibus. ca. romana, et exigit. Wherin great penalties be ſet vppon them that take any penſion at theyr viſitations, contrary to the ſayde lawes, as in the ſame doth appere. And but there be any ſecret diſpenſation in that behalfe: many be ſuſpended,

ded/that dayly ministre. And if there be any suche secrete dispensation, hit is to doute, that the graunte therof proceded not of charite, but of some couetyse and singularite: yf the very grounde therof were throughly serched. Wherfore hit were ryght expedient, that suche visitations were set in suche order/as well by spirituall authorite/as by temporal auctorite, that good men hereafter myght therby be comforted/and euyll men corrected & reformed/to the good example of all other that shulde here of it.

¶An other cause of this diuision. The.xiiij. Chapyter.

ANnother cause of the said diuision hath rysen by occasion of the great multitude of lycences and dispensations/that haue benne made for money by popes and by sshops in tyme paste, contrary to dyuers good lawes made by the churche/as of pluralites ayenst the lawe that no mā shuld

haue but one benefice / and of lycence to curates to be none reſident, of capacities to men of relygyon / and that none ſhall take orders / ne be promoted afore a certayne age, and ſuche other: whiche lycences and diſpenſacions haue bene ſo accuſtomably graunted for money without cauſe reaſonable, that great inconuenyences haue folowed vppon it, to the great grudge, and murmour, and euyll example of all the people.

An other cauſe of the ſayde dyuyſion. The.xv.Chapyter.

ANother occaſyon of the ſayd diuiſion hath ryſen by a great laxnes and lyberty of lyuynge/that the people haue ſene in many religious mē. For they ſay/that though religious men profeſſe obedience and pouerti,yet many of them haue & wil haue their owne wil/ with plenty & delicate fedynge/in ſuche abundance that no obedience nor pouertie appereth in them.

And

And therfore many haue sayde, and yet say to this day/that relygious men haue the most pleasant & delicate lyfe that any mē haue. And truly if we behold the holynes & blessed examples of holy fathers & of many relygyous persons/ that haue bene in tyme past, and of many religious persons that be now in these dayes: we shulde se ryght great diuersitie betwene them/I trowe (as for many of them) as great diuersite as is bytwene heuen and hell. And here, as it semeth/ I myght conueniently reherse the wordes that be spoken in the fyrst boke of the folowinge of Chryste/ the.xviij. chapyter, where it speketh of the holy fathers, that haue bene in religion in tyme past, and sayeth thus. They serued our lorde/ in hunger and in thyrste, in hete and in colde, in nakednes, in laboure/and in werynes, in vigils and fastynges/ in prayers and in holye meditations, in persecutions/ and in many reproffes. They refused honours here in this lyfe/that they myght alway haue them in the euerlasting life. O how strayt and howe abiecte a lyfe led the holy fathers in wyldernes? howe greuous

temta-

temptations they ſuffered? howe fyerſly they were with theyr ghoſtly ennemyes aſſailed? howe feruent prayer they dayly offered to god? what rigorous abſtinence they vſed? howe great zele and feruour they had to ſpirituall profite? how ſtronge bataylle agaynſt all ſynne? And howe pure and holle entent they hadde to god in al theyr dedes? on the day they laboured, and on the night they prayed. And though they laboured on the daye bodily, yet they prayed in mynde, and ſo they ſpente theyr tyme alway frutefully, and thought euery houre ſhorte: for the ſeruyce of god, and for the great ſwetenes that they hadde in heuenly contemplation, they forgette ofte tymes theyr bodily refection. All riches, honour, dignities, kinneſmen, and frendes they renounced for the loue of god. They coueted to haue nothynge of the worlde, ſo that ſcarcely they wolde take that was neceſſarye for the bodilye kynde. They were poore in worldly goodes, but they were ryche in grace and vertues. They were nedy outwardely, but inwardely they were repleny ſſhed with grace and

ghoſtly

goostly comfortes. To the worlde they were alyens and straungers, but to god they were ryght dere and familier frendes. In the syghte of the worlde and in theyr owne syghte they were vyle and abiecte, but in the sight of god & of his saynctes they were precious and singularly electe. In them shone all perfection of vertu, trewe mekenes, symple obedience, charite, and pacience / with other like vertues and gracious giftes of god. Wherfore they profited daily in spirite, and opteyned great grace of god. They be lefte as an exaumple to all religious persones, and more ought theyr examples to stere them to deuocion, and to profite more & more in vertue and grace, thā the great multitude of dissolute and ydle persones shulde any thynge drawe them abacke. O what feruour was in religious persons at the begynnynge of theyr religion? What deuocion in prayers, what zele to vertue / what loue to goostly discypline / and what reuerence and meke obedience flourisshed in them vnder the rule of theyr superiour? truly their dedes yet bere witnes / that they were

were holy and perfite/ that so myghtily subdued the worlde, and thrust it vnder fote. Thus farre gothe the sayde chapiter. But the more pitie is/ most men say, that nowe a dayes many religious men wyl rather folow theyr owne wyl, than the wylle of theyr superiour/ and that they wyll neyther haue hunger nother thyrste, heate, nor colde, nakednes, werines/ nor labour: but riches/ honour, dignities/ frendes/ and worldely acqueyntance/ attendance of seruauntes at theyr cõmaundementes, pleasures, disportes, and that more liberally than temporall men haue. Thus are they fallen (saye they) fro the true religion: wherby the deuotion of the people is in maner fallen fro them. Neuertheles I doute not/ but there be many ryght good and vertuous religious persones/ god forbide it shulde be other wyse: but hit is sayde, that there be many euell, and that in suche multitude/ that they, that be good, can not/ or wyll not, se them refourmed. And one great cause that letteth refourmation in this behalfe/ is this: If the moste dissolute persone in all the commi-

nalte

naltie, and that lyueth moste openly a-geynste the rules of the religion / can vse this policie, to extolle his religion aboue other / and dispreyse other religions / for that they be not of suche perfection, as theyr religion is: anone he shal be called a good feruent brother, and one that bereth vp the religion, and shalbe therfore the more lightly forborne in his offeces. Where the trouthe is, that the religion maynteyneth hym and beareth vppe hym, and not he the religion. For hit hath lyttell nede of hym. And thoughe many be good / and lyue a ryghte good and laudable lyfe / after the statutes and order there vsed: yet in that poynt, to extolle their religyon aboue other, and to take parte with them, that doo so, though they knowe, that they that so extoll it, kepe not the religion them selfe / fewe be without offence / and truly that is a greatte defaulte, for hit gyuethe a greatte boldenes to offenders / and discourageth them, that be good / whanne they see them that mooste lyue aycnste their religion, be so mayntey gned and commended.

An

¶ An other thing that hath caused many people to mislike religion, hath ben the great extremite, that hath ben many tymes sene at elections of abbottes, priours/and suche other soueraygnes spirituall. And this is a generall grounde, that whan religious men perceyue/ that the people myslike them, they in theyr hartes withdrawe their fauour and deuocion agayne fro them: And so hath charitie waxed colde betwene them.

And veryly I suppose / that hit were better, that there shulde no abbotte or pryoure hereafter contynue ouer certayne yeres/that shuld be appoynted by auctorite of the rulers / than to haue suche extremites at elections / as haue ben vsed in tyme past in many places.

¶ And verily (as me semeth) one thing wolde do great good concernynge relygions, and all relygious persons, and that is this: that the rules and constitutions of religion were sene and wel considered, whether the rygour and straytnes of them may be borne nowe in these dayes / as they were at the beginning of the religions. For the people be nowe

more

more weyke / as to the multitude, than they were than. And if it be thought, that they may not be nowe kepte: that than suche relaxacions and interpretations of theyr rules be made, as shall be thought by the reulers expedient: For better it is to haue an eye rule wel kept, than a strayte rule broken without correction: For therof foloweth a boldnes to offende, a quyet herte in a euyl conscyence: a custome in synne, with many euyl examples vnto the people: wherby many haue founde defaut at all religion, where they shulde rather haue founde defaute at dyuers abusions agaynst the true religion: For certayne it is / that religions were first made by holy fathers / by the instincte of the holy ghoste, kepe them who so may.

The conclusyon of this lyttell treatise.

The. xvi. Chapiter.

Sythe there is no sacrifyce, that more pleseth almyghty god, than zele of soules doth, it is good that euery man disposse hym selfe / as nygh as he can / to haue that zele: And if he may through grace come therynto, it shall instructe hym in many thynges / howe he shall behaue hym selfe anenste his neyghbour. And fyrst it shall teache hym, that he shall take hede, that he do nothynge, that myght gyue occasion vnto his neyghbour to offende. And I vnderstonde not therby / that he shall onely take hede, that he doo none euyll dede, wherby his neyghbour maye take occasion to offende, whiche in latyne is called offendiculum / that is to say, an occasyon to offende: but I meane also, that he shall take hede / that his neyghbour take none occasion to offende by no dede that he shall do / though hit be good, as gyuyng of almes, or buyldynge of churches / or such other: which if the people iuged to be done of pryde & vaine glory, muste be lefte for a tyme / for hurtynge of them that be of that opinion, tylle they

maye

may be instructed of the intente of the dede. And if they wyll in no wyse be reformed/than bycause hit semeth to be of malice as was in the phariseis: their iudgement may be dispysed, & the good dede contynued.

¶ Also where trouth shulde perysshe, if the good dede shulde be omytted, there a good dede is not to be omytted. And accordynge to that is sayde before/the blessed apostell saynte Paule, of a great zele that he hadde to the people sayde: If eatynge of flesshe shulde hurte my neyghbour/ I wolde neuer eate flesshe. And therfore in the sayd chapiter he monysshed all them, that wolde eate mete, that was offered to ydolles before them that were newly conuerted of the gentyles/and that were yet but weke in the faythe: that they shulde beware, that though they knewe, that they myghte laufully do as they dydde, that yet they shuld take hede/that theyr brother were not offended therby. And in all that chapiter the holy apostel treateth moch that it is good to euery man to beware, that through his dede he gyue no occa-

sion to his brother to offende. And I beseche almyghty god/ that euery manne, but mooste specially our lordes and maysters spyrytuall/ may hereafter endeuor them selfe to kepe wel this poynt/ that is to say/ that they do nothyng to gyue the people occasyon to offende: and ouer that, that they maye diligently instructe the vnlerned people to the knowlege of the trouthe, and to stable them as welll by doctrine as by good example, all singularite sette aparte. And for as moche as doctrine and good example perteyne mooste specially to prelates and spirituall rulers, therfore I shall brefely recyte certayne auctorities, that shall some what moue them to haue a zele and loue vnto the people. And also to be pyteous vnto them: And for shortenes I shall omytte for this tyme to shewe by whome the sayd auctorites were spoken, besechyng the reders to take hede to the wordes that be spoken/ thoughe hit appere not who speke them.

¶ Fyrst I fynde diuers auctorities that saye thus: It is expedient, that prelates study more to profite the people, than to haue

haue preeminence ouer the people.

¶ Also I fynde wrytten / that thoughe punisshment may not holly be omytted, that yet it profyteth moche, that hit be sometyme deferred.

¶ Also that it behoueth necessarily / that he that hathe rule ouer other, brenne euer in a quycke lyuely zele to the helth of theyr soules, that he hath rule of: And that els he shal lytell profyte vnto them. And therfore he coueteth vndiscretely to haue rule ouer them / that he studyeth not to profite vnto. And therfore this is sayde specially to prelates and to other that haue rule ouer the people: Rule ye, to forese the perylles and daungers of them that ye haue rule of, to counsaylle them to procure their helth / and to serue and to profite to other, as good faythful and wyse seruauntes, whome our lorde hath ordeyned ouer his houscholde. Plante ye vertue in them by holsomme doctryne, water it by good example / and helpe them with your prayour, and thā haue ye done that perteineth to you / and our lorde shall well gyue encrece of growynge, whan hit shall please hym / and

that parauenture there as after mannes iugement was farre vnlyke. These thre thynges therfore be very necessary / doctryne, example, and prayour, but the greatest of them is prayour. It is also said to the prelates thus: Knowe ye, that ye oughte to be as mothers to the people/and not as lordes / and ye ought to studye, rather to be beloucde than dred: and if it be necessary some tyme to haue correction, that it be a fatherly correction/and not as it were of a tyraunte/ and show your selfe as mothers in norisshynge of the people, and as fathers in correctyng them. Be meke/put awy all fiersnes/ forbere betyng/ & spcke vnto the people faire & sobre wordes: and set not your yock to greuously vpon thē/whose burdeins ye ought rather to bere. If ye be spiritual instruct the people in the spirite of softnes, & let eucry man considre hym selfe well / leest that he may be also tempted. He that is a mother dyssemuleth not, he can ioyc with them that ioye/wepe with them that wepe/and he wylle not ceasse to thruste oute of the breste of compassion the milke of consola

tion-

tion. He taketh hede / if he can perceyue any mā, that is vexed with any gret tẽptacion or trouble, & that is heuy & weike therwith: And if he finde any such, with him he sorroweth / him louingly he entreteath / hym he cõforteth / & fyndeth anon many argumentes of pitye and truste / wherwith he reiseth hym vp agayne to comfort of spirite. And if he knowe any that is prompte, quicke, and well profitynge in grace, he ioyeth with hym / he gyueth hym many holsome counsayles, and kindeleth hym, and instructeth him all that he can to perceuer and profyte euer fro better to better, he conformeth hym selfe to euery man, he toyneth the affections of all men vnto hym selfe in all goodnes, and proueth him selfe verily to be a mother, as well of them that be offenders / as of them that profite in grace: And as a true leche he seketh as well them that be sycke as them that be hole / & all this he doth through the gift of pitie / & of a zele / that he hath to the helth of their soules. Also a good diligent shepeherd neuer ceasseth to fede his flocke with good lessons & examples, & that with his

owne example rather than with other mennes. For if he fede them with other mens examples/and not with his owne, hit is but a rebuke vnto hym/and his flocke ſhall not profyte moche therby. For if a prelate wyl ſhewe vnto the people the ſobrenes of Moyſes/the pacience of Job, the mercy of Samuell/the holynes of Dauid/and ſuche other examples of bleſſed men: and he hym ſelfe be vnmeke/vnpacient, vnmercyfulle/and not holy, it is to fere/that al thoſe examples ſhal lytell profite. And therfore prelates, that in tyme paſſed haue bene the verye trewe ſhepeherdes, though they hadde theyr bodyes here of the erth/yet neuer the leſſe they fed the flockes of our lorde to them commytted with heuenly fode, and vſed not to preache to them theyr owne wylle, but the wylle of god. And one man ſaythe of prelates this: Whan J (ſayth he) beholde the heyght of the honour of prelacy, forthe with J drede the peryll and daunger of it. And whan J conſidre the degree, J drede the ruine. J conſydre the heyghte of the dignitie, and J beholde forthwith the mouthe of

Helle

Delle open euen at hande. For there is no doubt, but that theyr administration is more perylous, than is the mynystration of any other. But yet neuertheleſſe if they administre wel, they ſhal get them ſelfe therby an hyghe degree in heuen, and they ſhall receiue the gretter abundance and more full meaſure of peace for theyr good trauaylle for euer. And I beſeche almyghty god to ſende theſe .iiij. thynges habundantly in to the worlde, and that mooſte ſpecially amonge prelates, and ſpiritual rulers, that is to ſay, zele of ſoules, pitie, good doctryne, and deuout prayour. And than vndoubtedly, a newe lyghte of grace, and of tractabilitie, ſhall shortely ſhewe and ſhyne amonge the people.

Thus endeth this Treatyſe concernynge the diuiſion betwene the ſpiritualtie & the temporalte.

TABVLA.

yrste that the dyuysyon among spyrytuall men themselfe hath bene one cause of the dyuysion / that is nowe bytwene the spyrytualtye and temporalty in this realme.

The firste Chapiter.

That the omittynge of dyuers good lawes, with certaine defautes and disorder in men of the church / which amonge other be recited and declared by Jhon Gerson: haue bene an other occasion of this diuysion.

The seconde Chapiter.

That certayne lawes made by the churche / wherin it is recited, quod laici sunt clericis infesti, that is to saye / that laye men be cruell to clerkes: hath bene an other cause of this dyuysion.

The thyrde Chapiter.

That the extreme lawes made by the church for leyenge violent handes vpon clerkes / haue bene an other cause of this dyuysion. The fourth Chapiter.

That

¶That the disorderynge of the generall sentence hath bene an nother occasion of the sayde diuision.

The fyfte Chapyter.

¶That an other occasion of this diuysion hath partly rysen by temporal men, through disordrynge of theyr chapleyns and chauntrye preestes.

The syxte Chapiter.

¶That sutes taken in the spiritual courtes (ex officio) haue ben an other occasyon of this diuision.

The seuenth Chapyter.

¶That though after the determination of doctours, a man is not an heretyke / for that only that he erreth, but for that he opinatyfely defendeth his errour, and that neuer the lesse the spiritualtie / as a commen voyce gothe amonge the people, haue in tyme paste punysshed many for heresie vpon lyght causes and offences / wherypon many people haue grudged / and that grudge hath ben an other occasion of this diuision.

The eyght Chapiter.

¶That the parcialite that hathe benne shewed vpon sutes taken in the spiritual courte

court by ſpirituall men, hath bene an nother cauſe of this diuiſion.

The nynth Chapiter.

¶That the extreme and couetous demeanour of ſome curates with theyr paryſſhens hath ben an other cauſe of this diuiſion. The tenth Chapiter.

¶That the grauntynge of pardons for money, as it were to ſomme charytable vſe, that hath not after folowed, hathe raiſed an other grudge amonge the people, whiche hath ben an other occaſion of this diuiſion.

The leuenth Chapiter.

¶That the makynge of lawes by the church, whiche they had none auctorite to make, hath bene an other occaſion of this diuiſion.

The twelthe Chapiter.

¶That lacke of good viſitations hath ben an other occaſion of this diuiſyon.

The thyrtene Chapiter.

¶That the great multitude of lycences and diſpenſations made by ſpirituall rulers for money vppon lyghte ſuggeſtions hath ben an other cauſe of this diuiſion.

The fourtene Chapiter.

That

¶ That the great laxnes and worldely pleasures of religious persons, wherby the people hath benne greatly offended, hath bene an other occasion of this diuysion. The fyftene Chapiter.

¶ Than for a conclusion of this treatise it is somwhat touched/ howe good it is to haue a zele of soules, and howe perillous it is to do any thyng/wherby they myght be hurted. And that if zele of soules/pitie/good doctrine, & deuoute prayour, were abundauntly in this worlde/ mooste specially in prelates and spirituall rulers: that than a newe lyght of grace and tractabilite, wolde shortely shewe and shyne amonge the people.

The.xvi. Chapiter.

¶ Londini in edibus Thome Bertheleti, prope aquagium sitis sub intersignio Lucrecie Romane excus.

CVM PRIVILEGIO.